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GATEKEEPER NEWSLETTER

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visit: www.azserc.org (reporting and website)

RMP*eSubmit Webinars

In March 2009, EPA provided new Web-based software called RMP*eSubmit for facilities to use for online Risk Management Plan (RMP) reporting. RMP*eSubmit allows facilities to submit, correct, and access their RMPs online, 24 hours a day, 7 days a week. EPA asks that all facilities use this new method to submit RMPs because it is easy to use and will improve data quality.

For those not familiar with RMP*eSubmit, EPA will hold a Webinar during which we will explain how to submit an RMP using the new software. There will be time for questions and answers during the Webinar. Future Webinars for RMP*eSubmit are scheduled in April, June, August, and then quarterly/as needed.

Registration is required for the Webinar. We have limited lines available, so registration will be on a first come / first serve basis. Register online via <http://www.epa.gov/emergencies/> Find webinar details under "Highlights". Once registered, you will receive a confirmation e-mail with instructions on how to sign into the Webinar.

EPA Makes Chemical Information More Accessible to Public:

For the first time, TSCA chemical inventory free of charge online

WASHINGTON – As part of Administrator Lisa P. Jackson's strong commitment to increase information on chemicals, for the first time, EPA is providing web access, free of charge, to the Toxic Substances Control Act (TSCA) Chemical Substance Inventory. This inventory contains a consolidated list of thousands of industrial chemicals maintained by the agency. EPA is also making this information available on Data.Gov, a website developed by the Obama Administration to provide public access to important government information. This action represents another step to increase the transparency of chemical information while continuing to push for legislative reform of the 30 year old TSCA law.

For information about EPA's increasing transparency on chemical risk information see <http://yosemite.epa.gov/opa/admpress.nsf/bd4379a92ceceac8525735900400c27/631cf22eb540c4db852576b2004eca47!OpenDocument>

For access to the entire TSCA Inventory, please visit <http://www.epa.gov/oppt/newchems/pubs/inventory.htm>

EPA CORNER

2010 News Releases - EPA Increases Transparency of Proposed Regulations:

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WASHINGTON –The U.S. Environmental Protection Agency (EPA) is launching a new Web site giving the public additional opportunity to participate in the agency's rulemaking process, demonstrating President Obama's commitment to more transparent and open government. The online Rulemaking Gateway serves as a portal to EPA's priority rules, providing citizens with earlier and more concise information about agency regulations. It also allows users to search for EPA rules that relate to specific interests, including impacts on small business; children's health; environmental justice; and state, local and tribal government.

Rulemaking Gateway provides information as soon as work begins and provides updates on a monthly basis as new information becomes available. Time-sensitive information, such as notice of public meetings, is updated on a daily basis. Rulemaking Gateway complements Regulations.gov, the federal government's main portal for tracking rules from all federal agencies, by providing brief overviews of specific EPA rules and additional ways to search rules based on the phases they are in (e.g., pre-proposal, proposal), the topics they relate to (e.g., air, water), and the impacts they might have (e.g., impacts on small businesses or environmental justice). The new Web site offers a distilled "snapshot" of a rule, with just enough information for a citizen to determine his or her interest in the rule. The individual then can use Rulemaking Gateway links to Regulations.gov and to other EPA sources where comprehensive information is available.

In addition, EPA has established a Rulemaking Gateway discussion forum to allow the public to suggest enhancements to the site. The forum will be open through July 16, 2010, after which EPA plans to make enhancements based on ideas received.

More information on Rulemaking Gateway and the discussion forum: <http://www.epa.gov/rulemaking/>

More information on Regulations.gov Web site: <http://www.regulations.gov>

Review the [fact sheet on the Rulemaking Gateway](#) to learn more.

Two Franklin factories face fines from EPA:

Tennessean – (Tennessee) **Two Franklin factories face fines from EPA.** U.S. Environmental Protection Agency (EPA) has fined two Franklin manufacturers more than \$56,000 for years of not filling federal documentation about the amounts of hazardous chemicals they have at their plants. The agency fined metal home products maker Lasko Products \$29,559 and paint-maker Egyptian Lacquer Manufacturing Co. Inc. \$27,183 separately after inspections in December turned up years of instances where the companies did not properly list quantities of chemicals they had at their facilities. According to the EPA's letters, Lasko had quantities of sulfuric acid, enamel and poly propylene pellets above their previously reported limits for 2006, 2007 and 2008. Egyptian Lacquer did not list the chemical toluene and 27 other chemicals above the company's reported limits for 2004, 2005 and 2006. Local emergency responders use the information on companies' Tier I and Tier II forms to plan in case potential emergencies at those facilities were to occur. Source:

<http://www.tennessean.com/article/20100208/WILLIAMSON01/100208043/Two+Franklin+factories+face+fines+from+EP>
[A](#)

EPA Web site paving the way to transparency: By Aliya Sternstein

As more agencies deploy online score cards that publicly chart the progress of specific missions, the Environmental Protection Agency's new Web site for tracking rulemaking could be a model, some government transparency activists say.

Full story: http://www.nextgov.com/nextgov/ng_20100219_1731.php?oref=rss?zone=NGtoday

EPA fines military for underground petroleum storage tank violations at West Point:

U.S. Environmental Protection Agency – (New York) EPA fines military for underground petroleum storage tank violations at West Point. The U.S. Army and the Army and Air Force Exchange Service failed to comply with critical environmental laws related to underground tanks used to store diesel fuel, gasoline and used oil at the West Point Garrison in New York, according to a complaint issued by the U.S. Environmental Protection Agency (EPA). Both military branches failed to monitor, test and keep records for their underground petroleum storage tanks. Leaking underground storage tanks pose significant threats to soil, surface water and ground water across the nation. EPA is requiring the two parties to comply with regulations and is seeking a \$167,116 penalty. In its complaint, EPA states that the Army neglected to monitor the tanks for leaks, adequately protect against potential spills and investigate operating conditions. EPA also states that both parties failed to test leak detection devices at three tanks owned by the Army and operated by the Army and Air Force Exchange Service. The underground storage tank systems at the facility stored fuel for vehicles and emergency generators, and used oil. Several of the violations date back to the installation of the tanks and equipment, which took place 18 years ago. The Army and the Army and Air Force Exchange Service have stated that their underground storage tank systems are now in compliance. Petroleum releases from underground storage tanks can contaminate water, making it unsafe to drink, pose fire and explosion hazards, and can have short- and long-term effects on people's health. More than 600,000 underground storage tank systems exist nationwide, and more than 375,000 leaking tanks have been cleaned up over the last decade. Source:

<http://yosemite.epa.gov/opa/admpress.nsf/0/65d002d4698b7772852576d30064fa0c?OpenDocument>

GAO recommends EPA Bio-monitoring upgrade:

Occupational Health and Safety - (National) GAO recommends EPA bio-monitoring upgrade. The Toxic Substances Control Act may allow EPA to obtain more useful data than it now gets about the health effects of commercial chemicals. But the extent of EPA's authority to collect such data is unclear and untested, a new Government Accountability Office report concludes. EPA also has not developed a comprehensive bio-monitoring strategy to coordinate research with other agencies and groups involved in such research, including CDC, OSHA, and the Agency for Toxic Substances and Disease Research, the report says. Current bio-monitoring data relevant to the entire U.S. population exist for only 212 chemicals, the report points out. "In addition, bio-monitoring data alone indicate only that a person was somehow exposed to a chemical, not the source of the exposure or its effect on the person's health. For most of the chemicals studied under current bio-monitoring programs, more data on chemical effects are needed to understand if the levels measured in people pose a health concern, but EPA's authorities to require chemical companies to develop such data is limited," its summary states. The report cites EPA's action involving DuPont's use of the chemical PFOA (perfluorooctanoic acid). EPA filed two actions alleging DuPont had violated section 8(e) of TSCA by failing to report blood test data it had obtained to assess PFOA exposure, but DuPont settled the claims without admitting it should have reported the data, and this left uncertainty over the extent of EPA's authority, the report states. DuPont committed in February 2007 that it would no longer make, use, or buy PFOA by 2015 or earlier, if possible. Source: <http://ohsonline.com/articles/2010/02/08/gao-recommends-epa-biomonitoringupgrade.aspx?admgarea=news>

Ocean Protein LLC Pays nearly \$22,000 for Failure to Properly Report Hazardous Chemicals:

Ocean Protein, LLC has settled with the Environmental Protection Agency and agreed to pay a \$13,166.00 penalty for violating the federal Emergency Planning and Community Right-to-Know Act (EPCRA). The company failed to properly report the storage of Sulfuric Acid at its fish waste processing facility located in Hoquiam, Wash.

Ocean Protein failed to file Emergency and Hazardous Chemical Inventory Forms with local emergency response entities in Washington. Located in Hoquiam, Wash., Ocean Protein produces fish meal, fish oil, and bone meal from fish wastes using sulfuric acid, among other chemicals.

In addition to the penalty, Ocean Protein agreed to provide over \$8,800 for training and equipment to the City of Hoquiam Fire Department that will improve the department's capabilities in responding to hazardous materials emergencies in a safe and effective manner.

Facilities that store significant quantities of certain hazardous chemicals are required to submit an inventory of each chemical to the State Emergency Response Commission, the Local Emergency Planning Committee, and the local fire department. Emergency responders rely on this information for their safety and to help protect nearby residents during an emergency, such as a fire or earthquake. Citizens can also access the information to find out what chemicals are being stored and used in their neighborhoods.

St. Maries, Idaho Agrees to spend over \$122,000 to settle EPA Risk Management Program Violations:

The City of St. Maries, Idaho has agreed to pay \$9,220 penalty and spend an estimated \$113,550 to settle a case for violations of the U.S. Environmental Protection Agency's policies on emergency prevention requirements. Region 10 settled with the City of St. Maries for violations of the Clean Air Act (CAA) § 112(r) risk management program requirements at its wastewater treatment plant in St. Maries, Idaho. The violations have since been corrected by St. Maries.

The settlement came after EPA found that the city lacked an emergency prevention program to protect the public and the environment from an off-site release of chlorine at its wastewater treatment plant. EPA's Risk Management Program is designed to protect public health and the environment from accidental releases of harmful chemicals.

As part of the settlement, the city will spend an estimated \$113,550 to implement the following Supplemental Environmental Projects. St. Maries will purchase and install the following:

- Treated wastewater flow monitoring system;
- Chlorine analyzer and flow proportional chlorinator;
- Chlorine scale monitoring system; and
- Enhanced leak detection and notification system.

These projects will provide added protection to the community and improve the efficiency of the wastewater treatment process, thereby reducing the impact of the wastewater treatment plant on the environment.

Explosion causes massive farm fire:

Kansas City Star – (Kansas) Explosion causes massive farm fire. A machine shop exploded on a farm near Leavenworth the afternoon of February 24. About 2,000 gallons of diesel fuel, 1,000 gallons of unleaded fuel and some oxygen tanks caught fire about 4 p.m. inside a building on April Valley Farms, a large farming operation at 18432 Mount Olivet Road, according to the Leavenworth County emergency management director. The building, which is used to maintain tractors and combines, was a total loss. Almost a dozen tanker trucks responded because the closest water source was about four miles away, he said. Firefighters fought to control the fire for two hours. A hay barn and a building that housed pigs also caught fire, he said, but they sustained only minor damage. One of the farm workers suffered minor smoke inhalation while freeing pigs from a shed on the side of the machine shop. Some of those pigs were injured, according to one of the farm's owners. Officials think a natural gas leak caused the blaze. Pipes that transport natural gas into the machine building leaked into a furnace. Source: <http://www.kansascity.com/2010/02/24/1771564/explosion-causes-massivefarm.html>

Railroad company to pay \$4 million penalty for 2005 chlorine spill that resulted in nine deaths in Graniteville, South Carolina:

U.S. Department of Justice – (South Carolina) **Railroad company to pay \$4 million penalty for 2005 chlorine spill that resulted in nine deaths in Graniteville, South Carolina.** Norfolk Southern Railway Company has agreed to pay a \$4 million penalty to resolve alleged violations of the Clean Water Act (CWA) and hazardous materials laws for a 2005 chlorine spill in Graniteville, South Carolina, the Justice Department and U.S. Environmental Protection Agency (EPA) announced today. Under the settlement filed in federal court in Columbia, South Carolina, Norfolk Southern will be required to pay a civil penalty of \$3,967,500 for the alleged CWA violations, to be deposited in the federal Oil Spill Liability Trust Fund. The alleged CWA violations, included in an amended complaint filed in March 2009, are for the discharge of tons of chlorine, a hazardous substance, from a derailed train tank car and thousands of gallons of diesel fuel from ruptured locomotive engine fuel tanks. For the alleged Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) violation for failure to immediately notify the National Response Center of the chlorine release, Norfolk Southern will also pay a penalty of \$32,500, to be deposited in the Hazardous Substance Superfund. The settlement addresses the January 6, 2005, Norfolk Southern train derailment in Graniteville. During the derailment, one of the train's tank cars was punctured and released chlorine gas. Nine people died as a result of chlorine exposure and hundreds of people sought medical care due to respiratory distress. The incident resulted in the evacuation of more than 5,000 people living and working within a 1-mile radius of the release area. Source: <http://www.justice.gov/opa/pr/2010/March/10-enrd-232.html>

U.S. EPA Takes Action Against South San Francisco Meat Processing Facility Following Hazardous Chemical Air Releases 17 individuals hospitalized after poisonous gas was accidentally released from facility:

SAN FRANCISCO – The U.S. Environmental Protection Agency is this week ordering Columbus Manufacturing of South San Francisco, Calif., to address safety concerns in the facility's ammonia refrigeration systems following a recent release of an extremely hazardous chemical into the environment. Columbus, a meat processing company, has agreed to comply with the order.

During an August 2009 incident, the plant, located at 493 Forbes Boulevard, accidentally released approximately 200 pounds of anhydrous ammonia into the air. The release resulted in the evacuation of all facility employees and several neighboring businesses. Nearly 30 people from the nearby Genentech campus sought medical attention and 17 individuals were hospitalized. One person remained hospitalized for four days. In addition, off-ramps from Highway 101 and several local streets were shut down as a result of the release.

“This release of an extremely hazardous chemical is unacceptable. It's critical that Columbus Manufacturing take specific actions to safeguard its employees and neighbors,” said Jared Blumenfeld, Regional Administrator for EPA's Pacific Southwest region. “EPA will vigorously enforce federal rules to protect public health. As a result of these dangerous accidental releases, the company may also face substantial federal fines.”

Anhydrous ammonia is considered a poisonous gas. Exposure to its vapors can cause temporary blindness and eye damage, and irritation of the skin, mouth, throat, respiratory tract and mucous membranes. Prolonged exposure to anhydrous ammonia vapor at high concentrations can lead to serious lung damage and even death.

The facility's accidental release in August was allegedly caused by a buildup of hydrostatic pressure in a section of piping which caused the subsequent rupture of a nearby component. Following the incident, EPA and San Mateo County's Division of Environmental Health Services inspected the facility and evaluated Columbus Manufacturing's ammonia refrigeration systems and safety management systems. The inspections revealed a number of safety concerns regarding the design and maintenance of the facility's anhydrous ammonia refrigeration system.

EPA's order requires Columbus Manufacturing to complete a series of tasks within the next three months. The tasks include the replacement of certain safety relief valves, the replacement of all components with any signs of corrosion or made from incompatible materials such as brass, and the proper tagging and labeling of all of its ammonia refrigeration system piping and valves. Within 105 days of this order, the facility will need to submit verification to the EPA indicating compliance with all required actions.

The Clean Air Act requires owners and operators of stationary sources which produce, process, handle, or store hazardous substances to identify hazards which may result from the release of such substances, to design and maintain a safe facility, taking the necessary steps to prevent releases, and to minimize the consequences of accidental releases which do occur.

For more information please visit: <http://www.epa.gov/region09/superfund/emmerprep.html>

EPA Makes it Easier to Find Current and Proposed Regulations:

EPA has launched its new [Rulemaking Gateway](#), which serves as a portal to EPA's priority rules, providing citizens with earlier and more concise information about agency regulations. It also allows you to search for EPA rules that relate to specific interests, including impacts on small business; children's health; environmental justice; and state, local, and tribal government.

Rulemaking Gateway provides information as soon as work begins and provides updates on a monthly basis as new information becomes available. Time-sensitive information, such as notices of public meetings, is updated on a daily basis.

Rulemaking Gateway complements Regulations.gov, the federal government's main portal for tracking rules from all federal agencies, by providing brief overviews of specific EPA rules and additional ways to search rules based on the phases they are in (e.g., pre-proposal, proposal), the topics they relate to (e.g., air, water), and the impacts they might have (e.g., impacts on small businesses or environmental justice). The new Website offers a distilled "snapshot" of a rule, with just enough information for a citizen to determine his or her interest in the rule. The individual then can use Rulemaking Gateway links to Regulations.gov and to other EPA sources where comprehensive information is available.

Key features of the Website include:

Priority rulemakings. The Gateway focuses on rules likely to be of most interest to the most number of people. They are selected by senior managers based on factors including environmental significance; impact on the economy; level of external interest; significance of policy or scientific issues; complexity; and the effect on other Agency programs.

Special filters. The Gateway allows the public to find in one place all the rules related to certain areas of interest. For example, the filters help users focus on rules likely to affect children's health, environmental justice, state and tribal partnerships, and small businesses.

Earlier information. Prior to the Gateway, EPA updated regulatory information every six months in the Regulatory Agenda. With the Gateway, EPA provides information as soon as work begins and provides updates on a monthly basis as new information becomes available.

Targeted information. The Gateway provides a snapshot of key rulemaking information, such as a brief abstract and ways the public can participate. It also serves as a portal to more detailed information found on [Regulations.gov](#) and throughout [EPA.gov](#).

Simple timelines. The Gateway provides a simple timeline for each rulemaking; it describes where the rule falls within the rulemaking process as well as a history of what came before.

Cummins Inc. Agrees to Pay \$2.1 Million Penalty for Diesel Engine Clean Air Act Violations:

WASHINGTON -- Cummins Inc., a major motor vehicle engine company based in Columbus, Ind., will pay a \$2.1 million penalty and recall 405 engines under a settlement agreement resolving violations of the Clean Air Act, the U.S. Environmental Protection Agency and the Justice Department announced today.

According to a complaint filed simultaneously with the settlement in federal court in the District of Columbia, between 1998 and 2006, Cummins shipped more than 570,000 heavy duty diesel engines to vehicle equipment manufacturers nationwide without pollution control equipment included, in violation of the Clean Air Act. This equipment, known as exhaust after-treatment devices (ATDs), controls engine exhaust emissions once the emissions have exited the engine and entered the exhaust system. Typical ATDs include catalytic converters and diesel particulate filters.

Reliable and effective pollution control systems are essential to protect human health and the environment from harmful engine emissions," said Cynthia Giles, assistant administrator for EPA's Office of Enforcement and Compliance Assurance.

“These requirements are a critical part of EPA’s program to reduce air pollution and secure clean air so that all Americans can breathe easier.”

“This settlement assures that the environment suffers no ill effects because it requires that Cummins not only install the proper pollution control devices but also mitigate the effects of the harmful emissions released as a result of its actions,” said Ignacia S. Moreno, assistant attorney general for the Justice Department’s Environment and Natural Resources Division.

Engine manufacturers must prove through testing that their engine designs meet EPA’s emissions standards and seek certificates of conformity. According to the complaint, Cummins tested the engines with the ATDs to meet the standards, but failed to include the ATDs with the engines when Cummins shipped the engines to the vehicle manufacturers. Instead, Cummins relied upon the vehicle manufacturers to purchase and install the correct ATDs. The United States alleges that the shipment of engines to vehicle manufacturers without the ATDs violates the Clean Air Act’s prohibition on the sale of engines not covered by certificates of conformity.

The settlement requires Cummins to recall approximately 405 engines that were found to have reached the ultimate consumers without the correct ATDs in order to install the correct ATDs.

EPA estimates that Cummins actions resulted in approximately 167 excess tons of nitrogen oxides and hydrocarbon emissions, and 30 excess tons of particulate matter emissions over the lifetime of the non-conforming engines. Cummins will mitigate the effects of excess emissions from its non-conforming engines through permanent retirement of emission credits equal to the excess tons of pollution.

Over half the air pollutants in America come from “mobile sources” of air pollution, such as cars, trucks, buses, motorcycles, construction, agricultural and lawn and garden equipment, marine vessels, outboard motors, jet skis and snowmobiles. Mobile source pollutants include smog-forming volatile organic compounds and nitrogen oxides, toxic air pollutants such as cancer-causing benzene, and particulate matter or “soot.” These pollutants are responsible for asthma and other respiratory illnesses.

The State of California Air Resources Board will receive \$420,000 of the civil penalty under a separate settlement agreement with Cummins, continuing a federal government practice of sharing civil penalties with states that participate in clean air enforcement actions.

The Cummins settlement was lodged today in the U.S. District Court for the District of Columbia, and is subject to a 30-day public comment period.

More information: <http://www.epa.gov/compliance/resources/cases/civil/caa/cumminsinc.html>

LEPC CORNER

First responders recognized for spill containment, clean up: by: Jannette Pippin

MOREHEAD CITY — Six weeks after being called to a hazardous material spill at the Morehead City port, a team of first responders was back at their former command post with a new mission.

This one only required a handshake.

The Town of Morehead City held a ceremony Friday to recognize the many local, state and federal agencies that were involved in responding to the Jan. 12 spill of the potentially explosive chemical pentaerythritol tetranitrate, or PETN, during vessel operations. The hazardous chemical, transported as slurry, was released from several barrels that were punctured by a forklift.

Military and civilian agencies worked together with the support of community organizations to contain and clean up the spill.

Morehead City Mayor Jerry Jones called the responding agencies “hometown heroes.”

“These individuals, without hesitation, responded,” he said. “This is what they are trained to do. This is what they are committed to doing. This is what they are passionate about. It’s in their blood. They are the guardians watching over us.”

While the incident closed the port for two days and prompted precautionary measures to protect the public, it ended without harm to anyone or damage to the environment.

“We’re trained to take a bad situation and make it better and I say this over and over again, that’s what we did that day,” said Morehead City Fire and EMS Chief Wes Lail.

As first responders assessed and secured the scene at the port in the first hours of the spill, the port terminal was closed, a section of U.S. 70 near the port was shut down, and a safety zone was established that extended a mile or so around the port. A voluntary evacuation was called for those in homes and businesses in the zone.

To read the entire article go to: <http://www.enctoday.com/news/span-73278-jdn-recognized-city.html>

Copper thieves target power stations:

WGCL 19 Atlanta – (Georgia) Copper thieves target power stations. A power substation in McDonough, Georgia has been the target of thieves. Every time one is hit, it costs the power companies up to \$5,000. “As an electric cooperative, we’re a not for profit organization,” said a spokesperson for Central Georgia EMC VP of Engineering. “So the costs that we experience ultimately do get passed on to the customers.” He took CBS Atlanta into the McDonough substation to show exactly what thieves are looking for. The copper ground wires are most often taken, causing a dangerous situation for replacement crews. “They are actually trained to make observations at the sight, to make sure the grounds are in place, before they ever put their hands on the fence,” he said. Each substation has surveillance cameras to deter thieves. Source: <http://www.cbsatlanta.com/news/22583394/detail.html>

HazMat crews scramble to clear massive fuel spill:

KWTX 10 Waco – (Texas) HazMat crews scramble to clear massive fuel spill. An overturned tanker truck, carrying as many as 8,000 gallons of unleaded fuel, has overturned at State Highway 6 and U.S. Highway 84 near the Richland Mall in Waco, Texas. The truck rolled over around 6:45 a.m. as it was making a left turn onto the westbound U.S. 84 frontage road from the S.H. 6 frontage road. Police blocked the frontage roads along S.H. 6 and U.S. 84 and are advising motorists to avoid the intersection but both highways remained open the morning of February 19. The Richland Mall Office Plaza was evacuated over concerns from drifting gasoline fumes. A second tanker truck is expected on the scene by around 8:15 to off-load any fuel that remains in the overturned truck. It was unclear how long the offload might take but city officials say the intersection could remain closed for most of the day. A Waco police officer said the immediate concern was the prevention of fire or explosion. As much as 8,000 gallons of unleaded fuel may have spilled onto the roadway. The driver of the tanker truck was injured and has been taken to a local hospital by ambulance. Source: <http://www.kwtx.com/home/headlines/84768622.html>

Highway-borne hazmat a greater target for terrorists:

Truckinginfo.com – (National) Highway-borne hazmat a greater target for terrorists. Terrorists are turning more to using highway-borne hazardous materials to carry out their terrorist actions, and the government should focus more on this readily available, least protected hazmat, rather than hazmat that can cause catastrophic losses, according to two new reports released by the Mineta Transportation Institute. “We consider gasoline tankers, and to a lesser extent, propane tankers to be the most attractive options for terrorists seeking to use highway-borne hazmat because they can create intense fires in public assemblies and residential properties,” said the director of MTI’s National Transportation Security Center of Excellence. “We strongly urge that DHS, State governments and the industry take a renewed look at flammable liquids and gases as a weapon of opportunity, and at a strategy to improve security measures and technology.” The new reports include: “Potential Terrorist Uses of Highway-Borne Hazardous Materials,” which evaluates security risks created by truck-borne hazardous materials, particularly gasoline tankers; and “Implementation and Development of Vehicle Tracking and Immobilization Technologies,” which details specific developments in tracking and immobilization technology that can increase security. The peer-reviewed reports came from a review of terrorist objectives, hazardous materials, and potential targets. The reports conclude that terrorists most often seek soft targets that yield significant casualties and prefer attacking public buildings and assemblies. According to the reports, terrorists most often go after simple operations with little consequences, rather than complex and uncertain operations. Terrorists have also discussed substituting fire for harder-to-acquire explosives. Gasoline tankers have greater appeal because they can easily produce intense fires, operate in target-rich environments with predictable routes, and pose few security challenges. The report urges the government to focus more on the most readily available, least protected hazmat. It calls for a clear strategy to increase and sustain security, and for resolving significant jurisdictional issues between federal and state authorities; strengthening hazmat security measures in the field; and implementing vehicle tracking technologies, panic alarms, and immobilization capabilities for vehicles carrying specific hazardous materials, including gasoline. Source: http://www.truckinginfo.com/news/newsdetail.asp?news_id=69468&news_category_id=12

Dow Chemical reports leaks from two plants:

Charleston Daily Mail – (West Virginia) Dow Chemical reports leaks from two plants. Dow Chemical reported two leaks at two different locations, including one at its Institute facility that leaked over 3,000 pounds of ammonia, over the course of two weeks. The Kanawha Metro 911 shift captain said the first leak was reported at 1:52 p.m. on February 16 from the chemical giant’s Institute location ethylene oxide unit. An all-clear was given at 3:40 p.m. “Operators had been looking at the inventory records and saw that the level in the gauges had been dropping for several days,” he said. He said the plant found the ammonia had been leaking through a relief valve at the top of an anhydrous ammonia tank at a rate of nearly 270 pounds

per day, from February 4 to February 15, adding up to more than 3,500 pounds. He said plant officials did not discover the leak until they saw the gauges dropping and checked the changes against their records. The Kanawha Emergency Services Director said representatives from Dow Chemical called him on February 16 shortly after finding the leak. “They called me about it before Metro paged me about the incident,” he said. “They were very forthcoming with information about the incident.” The second leak, also reported Wednesday afternoon, came from Dow’s South Charleston facility. The facility reported a release of polyalkylene glycol. He said about 75 pounds of the chemical was spilled onto the ground and ran off into their process sewer plant, where it was treated before being released into the Kanawha River. He said neither chemical released were on the extremely hazardous list but that ammonia can be dangerous to humans in certain forms. No outside assistance was needed for either leak, he said. Source: <http://www.dailymail.com/Business/201002170561>

Haz-Mat units contain ethanol spill in Una:

WSPA 7 Spartanburg – (South Carolina) **Haz-Mat units contain ethanol spill in Una.** Spartanburg County Haz-Mart units were called to the scene of an ethanol spill on New Cut Road around 9:30pm on February 23. A tank on a Norfolk-Southern train stopped at the railyard near New Cut and Caldwell Road and was leaking ethanol from the top of the tank when firefighters arrived. The tank was filled with 26-thousand gallons of the liquid chemical, but only a small portion leaked. The Una Fire Department blocked off the area surrounding the train, and a command post was set up nearby. The train company is charged with cleaning up the spill. Source: <http://www2.wspa.com/news/2010/feb/23/4/haz-mat-unit-called-scene-ethanol-leak-ar-44450/>

Leak following train derailment prompts evacuation in South Texas:

KWTX 10 Waco – (Texas) Leak following train derailment prompts evacuation in South Texas. A pre-dawn derailment in southeast Texas prompted the evacuation of some residents of Santa Fe over concerns of a possible chemical leak. Police say several cars derailed 5:30 a.m. on February 17, but no injuries were immediately reported. A Santa Fe police sergeant said hazardous materials experts were called in after an undetermined type of fluid was discovered leaking from the train. Police went door to door, to notify residents to leave after an evacuation was ordered for people within a mile of the accident scene. Santa Fe is located 30 miles southeast of Houston and is home to about 11,000 people. Source: <http://www.kwtx.com/home/headlines/84690897.html>

Sensors failed to identify Weyerhaeuser chlorine leak:

Daily News Online – (Washington) Sensors failed to identify Weyerhaeuser chlorine leak. An open valve at Weyerhaeuser Co.’s pulp mill in Longview sent 137 pounds of chlorine gas into the air undetected over the several days, but company officials said the leak is fixed. Workers discovered the leak on February 8 while testing why a piece of equipment in the mill’s fiber line was not working, a Weyerhaeuser spokesman said. The workers immediately closed the valve and stopped the leak, he said. The leak failed to trigger the mill’s chlorine gas detection alarms because the concentration of gas was too low, he said. County emergency management officials say they received no calls about the leak, and Weyerhaeuser received no complaints on its 24-hour hotline. Weyerhaeuser uses chlorine to bleach the wood pulp to make white or light-colored paper products. State Department of Ecology officials cannot determine the health danger of the chlorine leak without knowing how many days it lasted, an agency spokeswoman said on February 9. Ecology plans to look into the release further, she said. Weyerhaeuser officials alerted state and county emergency management officials and the National Response Center — the agency that records chemical spills and emissions — as soon as they discovered the leak. The company is conducting an internal investigation to determine what went wrong, he said. “We’ll do everything we can to prevent this from happening in the future,” he said. Source: http://www.tdn.com/news/local/article_48be9bd2-15e4-11df-9630-001cc4c03286.html

Better hazmat plan for fires sought:

San Antonio Express-News – (Texas) Better hazmat plan for fires sought. More than three years after a huge mulch fire threatened to pollute San Antonio’s water supply, the Edwards Aquifer Authority (EAA) is considering new rules for the storage of chemicals above the aquifer’s recharge zone. The December 2006 mulch fire in Helotes tainted wells with ash runoff and made aquifer managers realize the water supply was vulnerable to similar threats. “Some of the wells were like you had washed out your barbecue pit,” said the assistant general manager at the Edwards Aquifer Authority. Fortunately, the runoff was not toxic, but the authority is concerned the next major fire will not be of decomposing brush, but at a warehouse full of pesticides and solvents like those stored and sold at major retail stores. If one of those buildings were to start burning and then become doused by firefighters, the runoff could carry those toxic chemicals directly into the aquifer. The authority has identified 28 businesses in the aquifer recharge zone that could be affected by the new rules. They include big-box stores, quarries, paint companies and county and city buildings, any place that stores large quantities of motor oil, antifreeze, pesticides and other potentially hazardous chemicals. Starting this week, the authority will host a series of public meetings to gather input on new rules designed to protect the aquifer by requiring all property owners storing more than 10,000 pounds or

1,000 gallons of “regulated substances” to notify the authority of where the material is, what the plan is if the material is threatened by a fire, and where the containment equipment and safety equipment is kept. The information will be stored in an online database so firefighters responding to a call will know how to best address the situation. In some cases, the information may tell the firefighters to simply let the fire burn itself out. Every fire is different, and the new rules will give firefighters more information on which to base their decision, explained an EAA spokesman. Source:

<http://www.mysanantonio.com/livinggreensa/83856487.html>

Many gas storage tanks in Polk in need of upgrades:

(Florida) **Many gas storage tanks in Polk in need of upgrades.** Owners of 165 underground gas storage tanks at 51 sites around Polk County have failed to upgrade the tanks as required by a 1983 state law, according to state officials. The law, one of the first in the nation, was designed to reduce the risk of groundwater contamination. Tank owners had until December 31 to upgrade their tank systems to install double containment walls that will prevent contamination from spreading even if a tank leaks. The rules have been in effect since 1991, according to the Florida Department of Environmental Protection (DEP), which sent notices to tank owners in August 2009 reminding them of the deadline. Tank owners who missed the deadline have three options, according to a DEP spokeswoman: Apply for a three-month extension if they have a contract in place to have the work performed. Remain in business as long as the tanks are taken out of service or are permanently closed. Ask for a further time extension by entering into a consent order, which will set a specific deadline to comply. “(DEP) may pursue action in Circuit Court against facility owners who continue to operate non-compliant facilities (failure to meet upgrade deadline) absent any of the provisions listed above,” she said. She said the agency can also seek injunctive relief to require tank closure and to assess fines. “Each enforcement case is handled on a case-by-case basis,” she said. Unlike the cleanup of sites contaminated by leaking tanks, which is funded in part by a state trust fund, the cost of upgrading facilities is the responsibility of the tank’s owner, she said. Source:

<http://www.theledger.com/article/20100207/NEWS/2075032/1410?Title=Many-Gas-Storage-Tanks-in-Polk-in-Need-of-Upgrades&tc=ar>

Copper theft leaves Hawkins in the dark:

KNOO 99.9 Mineola – (Texas) Copper theft leaves Hawkins in the dark. More than 1,700 homes were without power Tuesday morning after copper thieves broke in to a substation near Hawkins, Texas. A spokesperson for Wood County Electric Cooperative said the company was forced to cut power to hundreds of homes while crews repaired damage to the facility. While the street value of the stolen copper was probably less than \$400, he said the thieves were lucky to still be alive. He said while stealing the copper, the criminals apparently caused severe arcing of the power lines which can severely injure or kill someone. The damage at the substation is estimated to be around \$5,000. The power was off for approximately 20 minutes. Source: <http://www.kmoo.com/20100216946/Crime/copper-theft-leaves-hawkins-inthe-dark.html>

At least 1 hurt when propane tanker explodes:

WFOR 4 Miami – (Florida) At least 1 hurt when propane tanker explodes. At least one person has been air rescued to the hospital after a propane tank exploded into a massive ball of fire in Medley early morning on February 12. The thick, black smoke billowed into the early morning sky after the explosion, which took place near 95th Street and W. Okeechobee Road at a truck service plaza. Miami-Dade Fire Rescue crews sprayed a special foam on the fire, blanketing it with the white foam until the fire was out. Investigators have to determine what sparked the explosion. There is no word on the condition of the injured man. Source: <http://cbs4.com/local/Propane.Tanker.Fire.2.1490187.html>

Kanawha County officials say plants must provide emergency info:

WSAZ 3 Huntington – (West Virginia) Kanawha County officials say plants must provide emergency info. Kanawha County emergency officials say first responders called to chemical plants will no longer enter the facilities unless they know what they are facing. A new protocol has been put in place in response to an accident on January 23 at DuPont’s plant in Belle. A worker was exposed to phosgene and later died. The director of the Kanawha County Emergency Ambulance Authority (KCEAA) says that emergency workers did not even know if a chemical was involved in the medical emergency until they got on scene. The only information Metro 911 dispatchers were given was that a worker was hurt and they needed an ambulance. “We’re concerned for our workers safety no matter what,” he said. “You don’t go into a scene unless it’s safe.” That has been advice that emergency responders have played by for decades, but now the county is making it an official rule of response. Chemical plants will have to answer a few questions before an ambulance will be allowed to pass through the gates. “Is there a chemical involved? Are people hurt? Where’s the patient? If you give us that information we are going to have an immediate response,” he said. If they do not get that information, an ambulance will head to the scene and wait nearby until they are given the all clear. The KCEAA has sent a letter breaking down their new protocol to the Dupont Plant in Belle and the Bayer CropScience Plant in Institute. Source: <http://www.wsaz.com/news/headlines/83878077.html>

Homes evacuated after railroad mishap:

WLUC 6 Marquette – (Michigan) Homes evacuated after railroad mishap. Evacuation was a safety precaution. A Canadian National Railroad locomotive and an LS&I Railroad crew were transferring rail cars at the LS&I's Eagle Mills yard in Negaunee Township early morning on February 12 and apparently contact was made with a propane tank car that was parked on separate siding. Due to the concern of a potential leak of propane gas, employees at the Eagle Mills yard, along with residents in homes in a radius of a half mile, were temporarily evacuated as a precaution. The evacuation lasted less than two hours and residents were allowed to return to their homes after it was determined there was no propane leak. At this time, a leak of an undetermined amount of diesel fuel from the locomotive is being investigated. Cliffs Natural Resources personnel have contained the diesel fuel leak area. A propane emergency response management team from downstate is on its way to the Upper Peninsula to transfer the propane from the tanker car. Additionally, Cliffs Natural Resources has notified the Michigan Department of Natural Resources and Environment regarding the incident. There were no injuries and the incident remains under investigation. Source:

<http://www.uppermichiganssource.com/news/story.aspx?list=~\news\lists\local&id=415467>

DHS supports IST for chemical facility security:

Homeland Security Today – (National) DHS supports IST for chemical facility security. The U.S. Presidential Administration supports consideration of inherently safer technology (IST) for chemical facility security standards and the extension of those standards to water and wastewater facilities, the top infrastructure protection official at the Department of Homeland Security (DHS) testified on March 3. The undersecretary for National Protection and Programs addressed the need to reauthorize the Chemical Facility Anti-Terrorism Standards (CFATS) administered by DHS and due to expire at the end of this fiscal year. He called upon the Senate Homeland Security and Governmental Affairs Committee for a permanent of authorization to the program, even if no changes were made to it, as it has worked well to strengthen chemical facility security. The Administration would submit suggested legislation on how to extend CFATS to include provisions on IST and water and wastewater facilities within several months, he predicted. DHS supports providing its regulators with the ability to require high-risk facilities to adopt IST if it becomes the best or only way to ensure security at a chemical facility, he said. IST methods seek to replace chemical engineering processes at plants with chemicals that might be less toxic to people or the environment and thus make a facility less attractive as a terrorist target. But the Administration would not blindly endorse IST, he cautioned. DHS would consider the economic impact, the timeframe, and any conflicts with public health or environmental requirements in doing so. In addition, experts have no common understanding of what IST actually requires, a U.S. senator argued. The undersecretary responded that DHS would work with industry to establish a consensus for the purposes of the law. Source: <http://www.hstoday.us/content/view/12388/128/>

Police arrest Crater student who learned to make 'bombs' on YouTube:

CENTRAL POINT -- Central Point police are investigating a Wednesday morning explosion at Crater High School as a criminal incident and a 16-year-old student was arrested Wednesday afternoon.

"We're treating it as a criminal incident and investigating it as a crime," said Central Point Police Lt. Chuck Newell, adding anyone suspected of involvement "absolutely could face serious charges."

Several people, including students, will be interviewed to determine what information they have on the incident. Chemicals from the site of the explosion was sent to a state crime lab for analysis, Newell said.

A school official and several students have told KTVL the incident appears to be a prank, but Newell said it's too soon to tell.

Crater's 1,500 students were evacuated to the gym starting at about 9 AM following a report of an explosion in the boy's locker room. It later turned out to be a bathroom in the school's B Hall. Students were back in class by 10:30 AM, according to several students [exchanging messages and photos with KTVL via Twitter](#). There were no injuries and if there was any damage it was confined to a trash can where the explosion occurred, Newell said.

Students waited in the gym while emergency responders assessed the situation. A bomb squad from Oregon State Police and a hazardous materials team from Medford responded.

Newell said teachers and police conducted a sweep of the school to see if any other devices were in the building. Finding none, students were allowed back to class.

The incident was initially reported to involve a possible chemical spill because after the explosion there was a "chemical smell," Newell said. Police and fire vehicles were on scene.

Newell said numerous concerned parents showed up to pick up their children, but because the school was on lockdown as a safety precaution, they were unable to reach their children. Many students who had phones contacted their families and KTVL using e-mail and social networking services such as Twitter and Facebook.

Vandal Closes Havasu High School:

How do you close down a school for the day? Grab yourself a bottle of a banned pesticide big enough to kill a small African elephant, and go to town with the mindset that would make an Al-Qaeda zealot jealous!

You have just got to love these kids who just have no outlet for their anger of the current school system. The following is the article written in the Havasu News Herald.

Lake Havasu High School remained closed for a second day today after a student sprayed a banned pesticide on school walls and placed drops of the chemical in at least one trash can Wednesday, according to school and fire officials.

The odor from the chemical led school officials to at first believe it was a “stink bomb” in the J hall.

Devon Mills, a LHHS senior, said he showed up to school a little early Wednesday to finish homework and the “smell in the hallway was just awful.”

“Some of the students and teachers made masks out of Kleenex,” he said. “Fortunately, the smell didn’t penetrate the doors in the classrooms.”

Mills said by about 10 a.m., the odor of rotten eggs was gone.

“I think it was bearable because it didn’t get in the classroom,” he said. Mills said he thought the school made the right decision to cancel classes — considering it meant he didn’t have to do his homework, and it was the proper precaution.

Lake Havasu City Fire Marshal Chip Shilosky said the 16-year-old male student charged in the incident led them to a spray bottle allegedly used in the incident, which was tossed in the wash near the high school’s campus at 2675 S. Palo Verde Blvd.

The student has been charged with disorderly conduct and endangerment, a misdemeanor charge, police previously stated. Lake Havasu Unified School District officials did not return e-mail messages Thursday asking if the student would face, or has faced, district punishment.

Shilosky said up to three ounces of malathion, a banned insect repellent was used in the first floor of the J Hall building nearest to the Little Knights Preschool Program, which allows supervised high school students to lead the preschool.

Marie Hendry, the Little Knights supervisor and teacher, said the preschoolers normally don’t enter the hallways. She said at the time she didn’t know what had happened and she just kept her door to the outside playground open.

Shilosky said a cleaning crew specializing in hazardous materials has to clean the building, including the air ducts.

“It’s a hazardous material,” he said. “It’s a product that has actually been banned clear back to the ’80s. You won’t find malathion at your local Wal-Mart. ... It has to be treated just as if it was a mercury spill or any other hazardous material.”

A LHUSD press release states the student’s parents have indicated the chemical may have come from their garage.

School officials kept LHHS closed today to ensure proper clean up, and they expect classes to resume Monday.

INDUSTRY CORNER

Reporting Requirements for New Hazardous Chemicals that Meet Tier II Thresholds [40 CFR 370.31]:

What are your update reporting requirements for new chemicals present at your facility at Tier II threshold amounts when these materials were not present at a threshold amount and were not required to be included on your Tier II report the previous year? [40 CFR 370.31](#) requires the submission of hazard information to the SERC, LEPC, and the fire department within 90 days if a threshold amount is met for any newly reportable hazardous chemical.

The thresholds that trigger this update reporting are the same as the thresholds that trigger reporting a material for Tier II purposes:

- 500 lb or the listed threshold planning quantity (TPQ) (whichever is the lower of these two amounts) for any extremely hazardous substance (EHS) listed at [40 CFR 355, Appendix A](#) and [Appendix B](#), or
- 10,000 lb threshold for an OSHA hazardous chemical for which you must have an MSDS under OSHA’s Hazard Communication Standard ([29 CFR 1910.1200](#)), or
- For retail gas stations ([40 CFR 370.10\(a\)\(2\)\(ii-iii\)](#)), 75,000 gal threshold for gasoline (all grades combined) and 100,000 gal for diesel fuel (all grades combined), when products are stored in underground storage tanks (UST) in compliance with all UST program requirements

Before reporting, review the exemptions ([40 CFR 370.13](#)) that prevent certain materials from being reportable.

To meet the update requirement of [40 CFR 370.31](#), you are only required to submit information on the newly reportable chemicals. You need not re-submit information about the materials you included on your prior Tier II report. You may submit the MSDS copies for your newly reportable materials to the SERC, LEPC, and fire department, or you may submit a list of these newly reportable chemicals with the materials grouped by Hazard Category as defined at [40 CFR 370.66](#). The list must include the chemical or common name of each hazardous chemical as that name is given on the MSDS.

Often, the SERC, LEPC, and fire department are willing to receive this newly reportable information on a Tier II form itself (rather than receiving the MSDS copies or the list); check with these receiving agencies to find out if they will accept a Tier II form that includes your newly reportable information, or whether they prefer to receive MSDS copies or a list of materials for your update submission.

Two additional updating requirements of [40 CFR 370.31](#) include the submission of revised MSDSs if you discover significant new information concerning a hazardous chemical for which an MSDS was previously submitted, and that if the LEPC requests a copy of an MSDS for any hazardous chemical present at your facility for which you have not already submitted an MSDS, you have 30 days to fulfill the LEPC's request.

To learn more about how to comply with the SARA Title III reporting requirements that impact your facility, attend Environmental Resource Center's [SARA Title III Workshop](#) or the [Form R \(313\) Webcast](#).

How to Report Sheet Metal on Tier II Reports [[40 CFR 370.13\(b\)](#)]:

If your facility stores and processes sheet metal that requires a material safety data sheet (MSDS) under OSHA's Hazard Communication Standard ([29 CFR 1910.1200\(c\)](#)), you could be subject to reporting requirements for sheet metal on Tier II Hazardous Chemical Inventory forms under SARA Title III. Tier II reports must be filed with the State Emergency Response Commission, the Local Emergency Planning Committee, and the local Fire Department by March 1 of each year.

Sheet metal may, at least in part, be excluded from Tier II reporting threshold determinations and therefore may not all be required to be reported. The exclusion for manufactured solids at [40 CFR 370.13\(b\)](#) states a substance is excluded from reporting if that substance is present as a solid in any manufactured item to the extent exposure to the substance does not occur under normal conditions of use. Sheet metal, when in storage, is considered a manufactured solid and is therefore excluded from the Tier II threshold determination process.

However, what happens to this exclusion once the sheet metal is cut, welded, or brazed? Only the sheet metal in storage would remain exempt as a manufactured solid because it does not create a potential for exposure to a hazardous chemical. Cutting, welding, brazing, or otherwise altering the form of the sheet metal that does create a potential for exposure would negate the manufactured solid exclusion for the portion of the metal that undergoes any of these processes. Therefore, the maximum weight of the sheet metal undergoing any of these types of processes at any one time must be compared with the thresholds that trigger Tier II reporting at [40 CFR 370.10](#).

The entire weight of the manufactured solid item to be altered (i.e., the non-exempt portion of the sheet metal) is counted toward the threshold for determining what must be reported, not just the weight of the section of the sheet metal on which work is conducted because the exemption cannot apply only to a portion of a manufactured item. So, in its entirety, the maximum amount of sheet metal that is not exempt as a manufactured solid at any one time is counted toward the 10,000 lb threshold for an OSHA hazardous chemical.

Additionally, the sheet metal could contain one or more listed extremely hazardous substances (EHSs) that are subject to being reported on the Tier II if present at any one time in an amount greater than or equal to 500 lb or the listed threshold planning quantity (TPQ), whichever is the lower amount for each particular EHS present at your facility. The hazardous ingredient section of the sheet metal's MSDS would need to be compared to the list of EHSs at [40 CFR 355 Appendix A](#) or [Appendix B](#) to identify any EHSs that are components in the sheet metal. Comparing the hazardous ingredients to the list of EHSs using the CAS number provided on the MSDS for each listed hazardous ingredient is the best way to identify any EHS components in the sheet metal.

If the sheet metal does contain any EHSs (e.g., phosphorus, sulfur dioxide, vanadium pentoxide, or any other listed EHS), the total of each EHS present above the applicable de minimis amount (i.e., 1% for non-carcinogens or 0.1% for carcinogen chemicals) must be aggregated on a site-wide basis with the maximum amount present at any given time then being compared to the threshold that triggers reporting for that particular EHS. Note that you must include the quantities of individual EHSs present in mixtures even if you are also counting the quantity of that particular mixture toward the threshold level for that mixture (see [40 CFR 370.14](#) for more information about counting mixtures).

To learn more about how to comply with the SARA Title III requirements that affect your facility, attend Environmental Resource Center's [SARA Title III Workshop](#) or the [Form R \(313\) webcast](#).

OSHA's Forms for Recording Illnesses and Injuries [29 CFR 1904.29]:

Employers subject to 29 CFR 1904—Recording and Reporting Occupational Injuries and Illnesses, must document recordable work-related injuries and illnesses. In order to comply with the recordkeeping requirements of this section ([29 CFR 1904.29](#)), employers may choose to use [OSHA's three documentation forms](#) developed for the purposes of this standard or equivalent forms must be used.

OSHA's three forms include:

- OSHA 300—Log of Work-Related Injuries and Illnesses. Information about your business is provided at the top of the form, a one or two line description for each recordable injury or illness is entered on the form, and an annual summary of this information must be included on the OSHA Form 300-A.
- OSHA 301—Injury and Illness Incident Report. You must complete an OSHA 301 Incident Report form for each recordable injury or illness entered on the OSHA 300 Log.
- OSHA 300-A—Summary of Work-Related Injuries and Illnesses. This form must be posted in the workplace in a conspicuous location where other employee notifications are posted and must be posted from February 1 through April 30 of each year.

When a recordable injury or illness occurs, the information must be recorded on the OSHA 300 Log and 301 Incident Report within seven calendar days of receiving information that a recordable injury or illness has occurred.

If an employer chooses to use an equivalent form in lieu of the corresponding OSHA form, the equivalent form is required to have the same information, be as readable and understandable as OSHA's forms, and be completed using the same instructions as the OSHA form it is replacing. Many employers use an insurance form instead of the OSHA 301 Incident Report, or they choose to supplement an insurance form by adding any additional information required by OSHA. As described under sections [1904.29\(b\)\(5\)](#) and [1904.40\(b\)\(2\)](#), the records may be kept on a computer as long as this system can produce equivalent forms when they are needed.

Information about protecting the identification and privacy of employees under certain conditions is included at [29 CFR 1904.29\(b\)\(6\)–\(10\)](#).

To learn more about recordkeeping for injuries and illnesses, as well as other safety-related requirements that apply in your workplace, attend Environmental Resource Center's [OSHA 10-Hour Compliance Course](#) or the [Environmental, Health, and Safety Laws and Regulations](#) seminar.

Gas build-up led to deadly Connecticut plant blast:

Associated Press – (Connecticut) Gas build-up led to deadly Connecticut plant blast. An industrial practice that involved the widespread release of natural gas at a Connecticut power plant shortly before it exploded is “inherently unsafe,” and should be curbed to prevent similar incidents, a federal safety investigator said February 24. Six people were killed in the February 7 explosion at the Kleen Energy Systems plant, where workers were cleaning pipes in a common procedure known as a “gas blow.” The 400,000 cubic feet of natural gas blown through the pipes was released into the air in tight quarters, creating an explosive mixture large enough to fill a professional basketball arena, said the lead investigator for the U.S. Chemical Safety Board. With the United States building more natural gas power plants, he said, it is important to develop standards and new methods - such as cleaning pipes with air, steam or other substances - to prevent similar accidents. Exactly what sparked the blast has not been determined, though the investigator said there were “several” potential ignition sources nearby. He would not say what they were, but said that in general, natural gas can be sparked by anything from welders’ tools and electrical devices to static electricity. He said the board is examining how the accident could have been prevented; determining exactly what ignited the gas at the Middletown plant is not a major focus of the its investigation. Source:

<http://www.foxnews.com/story/0,2933,587413,00.html>

Annual Requirements for Posting Illness and Injury Information [29 CFR 1904.32]:

OSHA's regulations at [29 CFR 1904](#) require employers to record and report work-related fatalities, injuries, and illnesses. One of the requirements of this section involves posting a summary of the recordable illnesses and injuries that have occurred during the previous calendar year ([29 CFR 1904.32](#)).

OSHA has made several [forms available](#) for recording and documenting recordable incidents as well as meeting the annual requirement to post summary information for employees to be able to view. If you choose to use an equivalent form in lieu of any corresponding OSHA form, the equivalent form is required to have the same information as the OSHA form, be as readable and understandable as OSHA's forms, and be completed using the same instructions as the OSHA form it is replacing.

The OSHA 300 Log (or an equivalent form) is used to document recordable work-related injuries and illnesses, and the OSHA 300-A—Injury and Illness Incident Report (or an equivalent form) is used to summarize the recordable illnesses and injuries from the previous calendar year and then be posted for viewing in the workplace from February 1 through April 30 of each year.

To comply with the annual summary requirements, at the end of each calendar year, you must complete the following steps:

- Review the OSHA 300 Log to verify that the entries are complete and accurate, and correct any deficiencies identified.
- Use the OSHA 300-A form or an equivalent form to create an annual summary of injuries and illnesses recorded on the OSHA 300 Log.
- Have a company executive certify the summary. The company executive could be the owner of the company, a corporate officer, the highest ranking official working at the establishment, or the supervisor of the highest ranking official working at the establishment. The company executive performing the certification must examine and certify that the OSHA 300 Log is correct and complete based on his or her knowledge of the process by which the information was recorded.

Post the annual summary from February 1 through April 30 in a conspicuous place or places where notices to employees are customarily posted. Employers must ensure that the posted summary is not altered, defaced, or covered by other material.

The following steps would be taken to complete the annual summary form:

- Total the columns on the OSHA 300 Log (if there were no recordable cases, enter zeros for each column total);
- Enter the calendar year covered, the company's name, establishment name, establishment address, annual average number of employees covered by the OSHA 300 Log, and the total hours worked by all employees covered by the OSHA 300 Log; and

If you are using an equivalent form other than the OSHA 300-A summary form, the summary you use must also include the employee access and employer penalty statements found on the OSHA 300-A Summary form.

To learn more about how to comply with these as well as other safety-related requirements applicable to your workplace, attend Environmental Resource Center's [OSHA 10-Hour Compliance Course](#) or the [Environmental, Health, and Safety Laws and Regulations](#) seminar.

New Limited Quantity Requirements for Transportation of Dangerous Goods in Europe [ADR 3.4]:

The 2009 version of the ADR regulations—which address the transport of dangerous goods by ground in Europe—have added new requirements concerning limited quantity shipments. The new requirements had an effective date of January 1, 2009.

[Chapter 3.4.9](#) of the 2009 ADR now requires that the shipper inform the carrier of the total gross mass of limited quantities offered. [Chapter 3.4.10](#) of the 2009 ADR now requires that transport units with a mass exceeding 12 tons, comprised of only limited quantity packagings, be marked with **LTD QTY** in black letters. The **LTD QTY** lettering cannot be less than 65 mm high and the marking must occur on the front and the rear of the transport unit.

To learn more about transporting dangerous goods by ground within Europe, attend Environmental Resource Center's webcast on [ADR](#) topics.

Reportable Work-related Injuries and Illnesses [29 CFR 1904.7]:

The purpose of [29 CFR 1904—Recording and Reporting Occupational Injuries and Illnesses](#), is to require employers to record and report work-related fatalities, injuries, and illnesses. If an employer is subject to the requirements of this section (see [29 CFR 1904.1](#) and [29 CFR 1904.2](#) for two partial exemptions for certain types of employers), then any workplace incident involving an injury or illness meeting any of the general recording criteria of this section must be recorded and reported accordingly ([29 CFR 1904.7](#)).

When determining if a case meets one or more of the general recording criteria, the following list ([29 CFR 1904.7\(b\)](#)) applies:

- Death ([1904.7\(b\)\(2\)](#))
- Loss of consciousness ([1904.7\(b\)\(6\)](#))
- Days away from work ([1904.7\(b\)\(3\)](#))
- Restricted work or transfer to another job ([1904.7\(b\)\(4\)](#))
- Medical treatment beyond first aid ([1904.7\(b\)\(5\)](#))

A significant injury or illness diagnosed by a physician or other licensed health care professional ([1904.7\(b\)\(7\)](#))

Due to one of the general recording criteria requiring reporting injuries and illnesses that have necessitated medical treatment beyond first aid, you must understand how OSHA defines both medical treatment and first aid for the purposes of 29 CFR 1904.

Medical treatment is defined at [29 CFR 1904.7\(b\)\(5\)\(i\)](#) as being the management and care of a patient to combat a disease or disorder. Medical treatment does not include:

- Visits to a physician or other licensed health care professional solely for observation or counseling;
- Having diagnostic procedures conducted such as x-rays and blood tests, including the administration of prescription medications used solely for diagnostic purposes (e.g., eye drops to dilate pupils); or First aid as defined in paragraph [29 CFR 1904.7\(b\)\(5\)\(ii\)](#).

First aid is defined at [29 CFR 1904.7\(b\)\(5\)\(ii\)](#) as including:

- Using a non-prescription medication at nonprescription strength
- Administering tetanus immunizations
- Cleaning, flushing, or soaking wounds on the surface of the skin
- Using wound coverings such as bandages, Band-Aids™, gauze pads, etc.; or using butterfly bandages or Steri-Strips™
- Using hot or cold therapy
- Using any non-rigid means of support, such as elastic bandages, wraps, non-rigid back belts, etc.
- Using temporary immobilization devices while transporting an accident victim (e.g., splints, slings, neck collars, back boards, etc.)
- Drilling of a fingernail or toenail to relieve pressure, or draining fluid from a blister
- Using eye patches
- Removing foreign bodies from the eye using only irrigation or a cotton swab
- Removing splinters or foreign material from areas other than the eye by irrigation, tweezers, cotton swabs, or other simple means
- Using finger guards
- Using massages

Drinking fluids for relief of heat stress

[29 CFR 1904.7\(b\)\(5\)\(ii\)](#) identifies the following measures as medical treatment rather than first aid:

- A recommendation by a physician or other licensed health care professional to use a non-prescription medication at prescription strength for medications that are available in both prescription and non-prescription form
 - Immunizations other than tetanus, such as Hepatitis B vaccine or rabies vaccine
 - Wound closing devices other than those included in the bullet list above, such as sutures, staples, etc.
 - Devices with rigid stays or other systems designed to immobilize parts of the body
- Physical therapy or chiropractic treatment

Employers subject to this section must record any significant work-related injury or illness that is diagnosed by a physician or other licensed health care professional and must record any work-related case involving cancer, chronic irreversible disease, a fractured or cracked bone, or a punctured eardrum. The following conditions must also be recorded when they are work-related:

Any needlestick injury or cut from a sharp object that is contaminated with another person's blood or other potentially infectious material ([29 CFR 1904.8](#))

Any case requiring an employee to be medically removed under the requirements of an OSHA health standard ([29 CFR 1904.9](#))

Tuberculosis infection as evidenced by a positive skin test or diagnosis by a physician or other licensed health care professional after exposure to a known case of active tuberculosis ([29 CFR 1904.11](#))

An employee's hearing test (audiogram) reveals one of the following conditions ([29 CFR 1904.10](#)):

- The employee has experienced a Standard Threshold Shift (STS) in hearing in one or both ears (averaged at 2000, 3000, and 4000 Hz) and

The employee's total hearing level is 25 decibels (dB) or more above audiometric zero (also averaged at 2000, 3000, and 4000 Hz) in the same ear(s) as the STS

Any workplace incident that results in a fatality or the hospitalization of three or more employees must be reported to OSHA in accordance with [29 CFR 1904.39](#).

To learn more about these injury and illness recordkeeping requirements and other safety requirements, attend Environmental Resource Center's [OSHA 10-Hour Compliance Course](#) or the [Environmental, Health, and Safety Laws and Regulations](#) seminar.

Contempt Orders Issued Against Employer for Ignoring OSHA Citations:

OSHA announced issuance of contempt of court orders against Brian Andre, former owner of Andre Tuckpointing and Brickwork (AT&B), Andre Stone and Mason Work Inc. (AS&MW), and Regina Shaw, owner of AS&MW. The U.S. Court of Appeals for the Eighth Circuit issued the contempt orders against the St. Louis-area company and individuals for failing to comply with court orders enforcing citations of the Occupational Safety and Health Review Commission (OSHRC).

“Companies that expose employees to hazards, and then blatantly ignore citations requiring correction of those hazards, will not be overlooked,” said Charles E. Adkins, OSHA regional administrator in Kansas City, Missouri. “Employers must fulfill their responsibility to keep employees safe, as well as satisfy any sanctions levied for failing to do so.”

The cases stem from numerous citations OSHA issued to AT&B and its successor, AS&MW, for willful, repeat, and serious violations related to fall hazards, scaffolding erection deficiencies, power tool guarding, and other hazards in connection with multiple projects in the St. Louis area.

When the companies failed to comply with the court’s order enforcing OSHRC’s final order, the secretary of labor filed petitions for contempt. As a result, a special master of the Court of Appeals concluded that Brian Andre, AS&MW and Regina Shaw were in contempt of the order, and recommended various sanctions. The Eighth Circuit substantially accepted the master’s recommendations, found all three parties in contempt, and imposed sanctions, including: Brian Andre, AS&MW, and Regina Shaw must pay outstanding monetary penalties, which continue to accrue interest, and other miscellaneous fees, in the current amount of \$258,582; AS&MW and Regina Shaw must pay a \$100 daily penalty, calculated from the time of default, in early 2008, on the OSHRC final order; AS&MW must provide OSHA weekly notification of all current jobs, and known future jobs, at least 72 hours prior to commencement of work for a period of three years; and AS&MW must provide “competent person” training to all people currently and subsequently designated as jobsite “competent persons,” prior to beginning any work, and provide the secretary records of such training.

TRIBAL CORNER

FY 2010 Hazardous Waste Management Grant Program For Tribes:

This notice announces the availability of funds and solicits proposals from federally-recognized tribes, intertribal consortium or consortia for the development and implementation of hazardous waste programs and for building capacity to address hazardous waste management in Indian Country. In accordance with the EPA Indian Policy of 1984, EPA recognizes tribal governments as the primary parties for managing programs for reservations.

FUNDING/AWARDS: The total estimated funding available under this competitive opportunity is \$319,000, subject to the availability of funds and quality of proposals received. EPA anticipates award of up to 4 cooperative agreements whose maximum estimated value each shall not exceed \$79,750 resulting from this competitive opportunity.

To read the entire article go to: <http://www.epa.gov/oswer/docs/grants/epa-oswer-orcr-10-03.pdf>

Governor's Tribal Community Outreach:

Visit: <http://azgovernor.gov/eop/TribalOutreach.asp> for agency contact information.

Tribal Program Link:

<http://www.epa.gov/region09/indian>

Tribal Program Newsletter: <http://www.epa.gov/region09/indian/newslet.html>

Tribal news: <http://www.navajohopiobserver.com/>

UPCOMING EVENTS:

Phoenix: ETC Compliance Solutions 2406 S 24th St. Phoenix, To register: 602-923-9673 or www.e-t-c.com

April 8 - 8-hr Hazwoper Refresher

April 12-16 - 40-hr Hazwoper

April 21-23 - 24-hr MSHA New Miner; 8-hr MSHA Refresher (Day 1)

Tucson: ETC Compliance Solutions 5677 E Speedway Blvd, Tucson, To register: 602-923-9673 or www.e-t-c.com

April 7-9 24-hr MSHA New Miner; 8-hr MSHA Refresher (Day 1)

April 19-21 24-hr DOT Transportation Certification

April 29 8-hr Hazwoper Refresher

• **May 11 - 14, 2010** - NASTTPO Conference will be held at the Cliffs, San Luis Obispo, CA.

Registration can be found at WWW.nasttpo.com/home/

Hate to See You Go! If you recognize errors in how we've sent the email notifications, let us know. If you recognize an old email address of yours...let us know so we can remove it. Help us keep our listing accurate and up to date. Thanks.

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LET'S HEAR FROM YOU!

Send us your inputs and feedback on the newsletter; including, exercises and other LEPC related activities in which you've been involved. Let us know what you'd like to see in future editions. Talk to us!

We appreciate your input and look forward to hearing from you!

Sincerely,

Mark Howard

Executive Director

Commercial products and services are mentioned for informational purposes only and should not be construed as AZSERC endorsements.

Visit us on the web: www.azserc.org (for reporting)

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ABOUT OUR ORGANIZATION

The AZSERC was established by Arizona Law (Arizona Revised Statutes-Title 26, Chapter 2, Article 3) and is tasked with the implementation of the Emergency Planning and Community Right to Know Act (EPRCA) in Arizona.

This Commission oversees 15 Local Emergency Planning Committees and supports community, industry and government and academia in: planning, release and incident reporting, data management guidance for inventory reporting, public disclosure of information about hazardous chemicals in Arizona as well as development of training and outreach programs.

The Commission supports individual agency goals and objectives. This is accomplished through the receipt and coordination of emergency notifications of chemical releases, collection and provision of chemical inventory information to interested parties, training and grants programs.

Additionally, the AZSERC provides consultative services, conducts and participates in workshops and coordinates development and review of plans and programs for 15 Local Emergency Planning Committees.

Further, the AZSERC serves as a state clearinghouse for hazardous chemical emergency preparedness and planning activities and information through coordination with federal, tribal, state, local governments, industry and community interest groups.